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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
)
v.)
)
PETER DAVIS,)
)
)
Defendant.)
_____)

No. CR 12-00119 SI

**[PROPOSED] ORDER OF DETENTION
OF DEFENDANT PETER DAVIS**

The defendant Peter Davis came before this Court on May 24, 2012, for a detention hearing. The defendant was present and represented by his counsel, Julia Jayne, Esq. Assistant United States Attorney Wilson Leung represented the United States.

The government requested detention, submitting that no condition or combination of conditions would assure the defendant's appearance or reasonably assure the safety of the community.

Pretrial Services submitted a report recommending detention.

Upon consideration of the Pretrial Services report, the court file and the party proffers as

1 discussed below, the Court finds by clear and convincing evidence that no condition or
2 combination of conditions will reasonably assure the safety of the community. The Court
3 further finds by a preponderance of the evidence that no combination of conditions will
4 reasonably assure the defendant's appearance. The Court orders the defendant detained.

5 The present order supplements the Court's findings at the detention hearing and serves as
6 a written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i).

7 The Bail Reform Act of 1984, 18 U.S.C. §§ 3141-50, sets forth the factors which the
8 Court must consider in determining whether pretrial detention is warranted. In coming to its
9 decision, the Court has considered those factors, paraphrased below:

- 10 (1) the nature and seriousness of the offense charged;
11 (2) the weight of the evidence against the person;
12 (3) the history and characteristics of the person including, among other considerations,
13 employment, past conduct and criminal history, and records of court appearances; and
14 (4) the nature and seriousness of the danger to any person or the community that would
15 be posed by the person's release.

16 18 U.S.C. § 3142(g).

17 Defendant Peter Davis is charged with multiple counts, including 18 U.S.C. § 1962(d)
18 (Racketeering Conspiracy), 18 U.S.C. § 1959(a)(1) (Conspiracy to Commit Murder in Aid of
19 Racketeering), and 18 U.S.C. § 924(c) (Possession of a Firearm in Furtherance of a Crime of
20 Violence). The instant charges are part of a multi-defendant racketeering case in which the
21 government alleges that the defendant conspired with others to commit murder in the aid of
22 racketeering. Additionally, the defendant is also charged in a single-count Hobbs Act robbery,
23 in violation of 18 U.S.C. § 1951.

24 In considering all of the facts and proffers presented at the hearing, the Court finds the
25 following factors among the most compelling in reaching its conclusion that no combination of
26 conditions could reasonably assure either the defendant's appearance as required, or the
27 community's safety: First, the defendant has multiple prior convictions. The defendant was
28 convicted of five separate felonies, each while the defendant was on grant of probation or parole,

1 indicating that the defendant is not amenable to supervision. In addition, the defendant has other
2 felony convictions. Second, even though the nature of the charges, by themselves, create an
3 incentive to flee, the court finds the defendant a risk of flight and a danger to the community.

4 These factors, among others adduced at the hearing, clearly and convincingly
5 demonstrate that if released, the defendant would be a danger to the community, and demonstrate
6 by a preponderance that if released, the defendant would not appear as required.

7 Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

8 (1) the defendant is committed to the custody of the Attorney General for confinement in
9 a corrections facility;

10 (2) the defendant be afforded reasonable opportunity for private consultation with his
11 counsel; and

12 (3) on order of a court of the United States or on request of an attorney for the
13 government, the person in charge of the corrections facility in which the defendant is
14 confined shall deliver the defendant to an authorized Deputy United States Marshal for
15 the purpose of any appearance in connection with a court proceeding.

16
17 Dated: July 19, 2012

